

at least one predetermined hinge area along the
length of the tube; and

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b
cont
a plurality of opposing separated multi-ply longitudinal strips
between slots at the hinge area which fold when subjected to localized bucking forces.

A marked up version of claim 71 showing this amendment is attached hereto.

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 22-70 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,321,503 in view of U.S. Patent No. 3,818,948 to *Hedges*.

The Examiner states that U.S. Patent No. 6,321,503 shows all of the claimed limitations except for the first tube being made of layers of material, an electrical conductor disposed in the tube, at least one transducer device located proximate a hinge area, and a second tube disposed inside the first tube. The Examiner further states that *Hedges* shows a second tube 24 disposed inside the first tube 22 and a foldable structure made of layers of material (22, 24).

The present invention is directed to a foldable member comprising at least a first tube made of layers of material, at least one predetermined hinge area along the length of

the first tube, and a plurality of opposing elongated slots in the tube through the layers of material forming separated longitudinal strips of layers of tube material between the slots which fold when subjected to localized buckling forces as claimed in independent claim 22.

Hedges is directed to a flexible conduit. *Hedges* discloses that the side walls of the conduit comprise an inner facing sheet 22, an outer facing sheet 24 and elongate reinforcing elements 26. The side walls are joined together by inner and outer tapes 32 and 34 to form the corners of the conduit. (See Col. 2, lines 23-31 of *Hedges*). However, the sidewalls of *Hedges* are not foldable members. *Hedges* specifically states that “the conduit can be axially collapsed, twisted or flexed as shown in Fig. 2” Col. 3, lines 46-47. However, the conduit cannot be folded. The elongate reinforcing members of *Hedges* are at right angles to the longitudinal center of the conduit, which would prevent longitudinal strips of layers of the conduit from folding. Thus, *Hedges* actually teaches away from folding longitudinal strips of layers of material as claimed by the applicant.

Hedges does state that conduit 20 can be collapsed or folded into an essentially flat transverse figuration. See Col. 3, lines 50-52 of *Hedges*. However, *Hedges* makes it clear that the conduit collapses at the corners of the conduit where the flexible tape is located. See Col. 3, lines 47-52 and Fig. 4 of *Hedges*. *Hedges* does not fold at the side walls, or at any location which includes layers of material 22 and 24. Nowhere does *Hedges* disclose, teach or suggest that a section of the conduit comprised of layers of material 22, 24 can be folded.

Applicant’s claim 22 includes “longitudinal strips of layers of tube material”

between the slots which fold when subjected to localized buckling forces". Although *Hedges* discloses a conduit comprised of layers of material 22, 24, *Hedges* does not disclose, and in fact teaches away from, layers of tube material which fold when subjected to localized buckling forces as claimed by the applicant. Accordingly, there would be no motivation to combine the features of *Hedges* with that of U.S. Patent No. 6,321,503.

Accordingly, applicant submits that claims 22-70 are patentable over the cited references.

The Examiner also rejects claim 71 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 2,905,282 to *Miller* in view of *Hedges*.

Miller is directed to a collapsible tubular semi-rigid rod. However, *Miller* fails to disclose a plurality of opposing separated multi-ply longitudinal strips between slots at the hinge area which fold when subjected to localized buckling forces as claimed by applicant in amended claim 71. Nowhere does *Miller* disclose, teach or suggest that a longitudinal strip of the tube folds when subjected to localized buckling forces. Additionally, as stated above, *Hedges* also fails to disclose this feature.

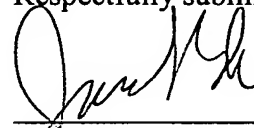
Accordingly, as the combination of references fails to disclose all of the features of the applicant's invention, claim 71 is patentable over the references.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it

appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781)890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jason D. Shanske', written over a horizontal line.

Jason D. Shanske
Reg. No. 43,915

Please add claims 70-71 as follows:

70. A foldable member comprising:

at least a first tube made of layers of material;

at least one predetermined hinge area along the length of the first tube; and

a plurality of opposing separated multi-ply longitudinal strips between slots at the hinge area which fold when subjected to localized buckling forces.

(once Amended)

71. A collapsible structure comprising:

a plurality of joined members;

a selected number of said members each including:

a tube made of layers of material;

at least one predetermined hinge area along the length of the tube; and

a plurality of opposing separated multi-ply longitudinal strips between slots at the hinge area. *which fold when subjected to localized buckling forces*

REMARKS

The applicant submits herewith a Preliminary Amendment to claims 64-69 of the subject application. The amendments to the claims do not constitute new matter and should therefore be entered. Additionally, applicant adds herewith claims 70 and 71 which do not constitute new matter and should therefore be entered.